

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

TIMOTHY TOBIAS,

Plaintiff,

Case No.4:05-cv-51

v.

Hon. Richard Alan Enslen

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER AND JUDGMENT**  
**APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed April 26, 2006, is approved and adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that plaintiff's complaint is **DISMISSED** for the reason(s) stated in the Report and Recommendation.

Dated in Kalamazoo, MI:  
May 31, 2006

/s/Richard Alan Enslen  
Richard Alan Enslen  
Senior United States District Judge